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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,005	07/29/2003	Gerome A. Haney	10990836-3	7339

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HEWLETT-PACKARD COMPANY
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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,005

Applicant(s)

HANEY, GEROME A.

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-22,24-36,38 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15,17-22,24-29,31-36,38 and 41 is/are rejected.
- 7) ☒ Claim(s) 16 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This final Office action is in response to the amendment filed January 20, 2005 whereby claims 10, 15, 24, 29, and 38 were amended.

Claim Rejections - 35 USC § 112

The following is a quotation of the *first* paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10, 24, and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The original specification, including the disclosure and claims, lacks proper support for the recitation "wherein a length of the rack mount is defined from the first mounting flange to the second mounting flange, and wherein the length of the rack mount is maintained when the rack mount is in the first position, second position, and the third position" in claims 10 and 24 and "maintaining the length of the rack mount assembly" in lines 10 and 16 of claim 38. It is noted that applicant's amendment to these claims, e.g., the addition of "wherein a length of the rack mount is defined from the first mounting flange to the second mounting flange", changes the scope of the claims. The original specification states that (a) "the length of the rack mount assembly is adjusted or preset so that the distance between the inside surfaces of the flanges is just slightly greater than the distance between the outside surfaces of the left front and rear column flanges" (see page 7,

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lines 16-22) and (b) "the column flanges may deform very slightly" (see page 8, line 1). These statements in the original specification cannot be reasonably construed, by one of ordinary skill in the art, to be proper support for the recitation in the claims since the specification does not mention that the length, as defined in the claim as being between the mounting flanges, is "maintained" in all three positions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-15, 17-21, 24-29, 31-35, 38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,833,337 (Kofstad '337), alone.

Insomuch as the claims are best understood (in view of the Section 112, 1st paragraph rejection, as advanced above), Kofstad '337 discloses an assembly comprising a rack mount (see Figure 3) having a first end (at left side of Figure 3) and a second end (at right side of Figure 3) whereby the rack mount is adjustable (see Figure 4) therebetween; the rack mount having a length between first and second mounting flanges; the first mounting flange (70) orthogonally adjacent the first end and having protrusions (74 and 76); the second mounting flange (58) orthogonally adjacent to the second end and having protrusions (62 and 64) whereby the protrusions (74 and 72) extend towards each other and towards the opposite mounting flange, i.e., protrusion 74 extends towards flange 58, and protrusions (76 and 64) extend away from each

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other and from the respective mounting flange, i.e., protrusion 64 extends away from flange 70; each of the protrusions (76 and 64) engage mounting apertures (see Figure 7); the protrusions (76 and 64) are adapted to be engaged in mounting apertures (106) in a rack (40); and a rack rail (50 - see column 3, line 13) defining an outer channel (54) supported along the adjustable length and an inner channel (48) slidably supported by the outer channel which can thereby support equipment (42); the mounting flanges (70) contact the column flanges (40d) when the rack mount is in a first position, i.e., the front surface of the flange 70 is placed *on* the front surface of element 40d; the protrusions (76) contact and slide on the column flanges (40d) when the rack mount is in a second position, i.e., the perimeter surface of 76 will contact the side edge of 28 when placed thereon or the end surface of the protrusions can be placed on the front surface of the column flanges (40d) thereby allowing the protrusions to slide in a direction (right to left) perpendicular to the longitudinal axis (up and down) of the column flanges before being placed in the apertures and *with respect to claim 24*, this is defined when the rack mount is moved from the first to the second position; and the protrusions (76) engage the flange apertures when the rack mount is in a third position, i.e., see Figure 7, so that the protrusions support the rack mount therebetween and the protrusions being aligned therewith the apertures of the column flanges; the second position is between the first position and the third position.

Kofstad '337 is also considered to disclose the structure capable of performing the method steps of claims 38-41 which includes positioning the rack mount assembly to span the column flanges (28) whereby the flanges (28) contact the flanges (70) of the assembly; then sliding the rack mount assembly relative to and on surface of the column flanges (28) so that protrusions (76) on the flanges (70) contact the flanges (28) and then engaging the apertures of

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the column flanges (28) with the protrusions (76); and adjusting a length of the assembly between the mounting flanges (see Figure 4); and wherein sliding the rack mount includes maintaining the length of the rack mount, i.e., since the end at 56 is not considered to be part of the length, when 56 is adjusted to enable the rack mount to be attached to the column flanges, the length of the rack mount (remaining elements in Figure 3) is maintained.

The claims differ from Kofstad '337 in requiring the length of the rack mount between the mounting flanges to be maintained when in the three positions.

Although Kofstad '337 does not state that the length is maintained, it would have been obvious to one of ordinary skill in the art at the time the invention was made that were the length of the rack mount preset, the column flanges could deflect away from each other and the ends of the rack mount in order to accommodate the rack mount therebetween, thereby allowing for ease in assembly.

Claims 22 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kofstad '337 as applied to claims 10-15, 17-21, 24-29, 31-35, 38, and 41 above, and further in view of U.S. Patent No. 2,927,652 (Harrington *et al.* '652).

Kofstad '337 discloses the assembly as advanced above.

The claim differs from Kofstad '337 in requiring the protrusions to include truncated cones.

Harrington *et al.* '652 teach that it is old in the art to have protrusions that define truncated cones (108 - see Figure 5) that are inserted into apertures.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the assembly of Kofstad '337 with protrusions defining truncated

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cones, for ease in economy and manufacture while allowing for increased securement of the adapter on the rack and ease in assembly therein.

Allowable Subject Matter

Claims 16 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection were necessitated by the amendment reciting "wherein a length of the rack mount is defined from the first mounting flange to the second mounting flange" in claims 10 and 24 and "maintaining the length" in claim 38.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

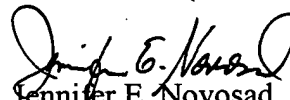
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

Jennifer E. Novosad/jen
April 8, 2005